

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

ERIK SOBKIEWICZ

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2:14cr256

Electronic Filing

MEMORANDUM ORDER

AND NOW, this 3rd day of August, 2015, upon due consideration of the matters raised and presented in conjunction with restitution at the sentencing hearing held on July 23, 2015, IT IS ORDERED that defendant shall make restitution to the following victims in the designated amounts:

Zhong Zhuang: \$275,000.00

Primerock Capital, LLC: \$106,213.33

Campbell & Levine: \$113,186.05

First American Title: \$64,197.93

Tohickon Abstract Co.: \$100,000.00

Total: \$658,597.31

The request to impose restitution based on the information submitted on behalf of Indiana First Bank is denied. "Under the Victim Witness Protection Act (as amended by the Mandatory Victims Restitution Act "MVRA"), the amount of restitution awarded is limited to the amount of actual loss caused by the defendant's crime." United States v. Feldman, 338 F.3d 212, 219 (3d Cir. 2003) (citing 18 U.S.C. §§ 3663 and 3664). This award essentially seeks to make the victim whole for the actual losses sustained as a result of the defendant's criminal conduct underlying the offense of conviction. Id. (citing United States v. Diaz, 245 F.3d 294, 312 (3d Cir. 2001))

(“The purpose of restitution under the MVRA is to compensate the victim for its losses and, to the extent possible, to make the victim whole.”).

The actual loss needed to make Indiana First Bank whole for the purpose of restitution cannot be calculated at this juncture. And continuing the sentencing process until there is sufficient and accurate information from which to determine Indiana First Bank's actual loss will complicate and prolong the sentencing proceeding in a manner that would unduly burden the sentencing process. See 18 U.S.C. § 3663A (c)(3)(B).

sDavid Stewart Cercone
David Stewart Cercone
United States District Judge

cc: Brendan T. Conway, AUSA
Meagan F. Temple, Esquire
United States Marshal
United States Probation Office

(Via CM/ECF Electronic Mail)